

### **C. REMARKS**

Claim 4 is new. Support for claim 4 can be found in the drawings which show lighting sockets attached to the mounts. No wiring is shown; however, one skilled in the art would interpret the lighting socket as being hard wired because there has to be wiring for the light to function and the standard in the industry is to hard wire lighting sockets. Figure 6 shows coach mount 36 on the bottom of the light fixture with the lighting socket in the "up" position. Figure 7 shows coach mount 36 on the top of the light fixture with the lighting socket in the "down" position indicating that the lighting socket is hard wired.

Claim 5 is new. Support for claim 5 can be found in the drawings which show lighting sockets attached to the mounts. No wiring is shown; however, one skilled in the art would interpret the lighting socket as being hard wired because there has to be wiring for the light to function and the standard in the industry is to hard wire lighting sockets. Figure 6 shows coach mount 36 on the bottom of the light fixture with the lighting socket in the "up" position. Figure 7 shows coach mount 36 on the top of the light fixture with the lighting socket in the "down" position indicating that the lighting socket is hard wired.

Claim 6 is new. Support for claim 6 can be found in the drawings, paragraph 0006, in original claim 3, and the knowledge of one of ordinary skill in the art as described above in claims 4, 5 and 7.

Claim 7 is new. Support for claim 7 can be found in Figures 3, 4, 7, 8, 10, 11, 14, and 15.

**A. EXAMINER'S REJECTIONS**

***1. 35 USC 102(e)***

The Examiner has rejected claims 1 and 2 as being anticipated by U.S. Patent No. 6,296,377 Wilson et al ("Wilson").

"Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983).

Applicant's claim 1 requires "a locking mechanism for **nonthreadably releaseably** coupling the light fixture body to the mount" (emphasis added). The Examiner has indicated that Wilson discloses a locking mechanism (40) for nonthreadably releaseably coupling the light fixture to the mount. However, Wilson only discloses a threaded locking mechanism.

Figure 2 shows that 40 is threaded. Wilson states, "Housing 36 is fastened to flange 124 via fasteners 40 which are **threaded** into bosses (not shown)" emphasis added. Col. 11, L. 15. Wilson does not disclose a **nonthreaded** locking mechanism. Wilson's disclosure would not enable a person of ordinary skill in the art to make a nonthreaded locking mechanism.

Wilson does anticipate Applicant's claim 1.

Claim 2 is dependent on claim 1 and it includes all of the limitations of claim 1. Because claim 1 is not anticipated, claim 2 is also not anticipated.

*2. 35 USC 103 (a)*

The Examiner has rejected claim 3 as being obvious over Wilson in view of U.S. Patent No. 4,303,968 to Goralnik.

"To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP 2143.

The Examiner has failed to show a prima facie case of obviousness in this case because the Examiner has not shown suggestion or motivation to modify or combine the reference teachings, a reasonable expectation of success and has not shown that the references teach or suggest all the limitations of claim 3.

Claim 3 requires "a post mount". Wilson does not show a post mount as the Examiner claims. A post mount is shown in Applicant's specification in Figure 1 and Figure 2. A post mount is clearly something that enables the lighting fixture to be mounted to a post.

Wilson does not show this. Wilson only shows a coach mount that can be used on the top or bottom of the light fixture.

Claim 3 requires that attaching occur "without tools." Wilson may require tools to reconfigure the lighting fixture. Applicant's light fixture has four (4) different mounts.

"[A]n examiner may often find every element of a claimed invention in the prior art. If identification of each claimed element in the prior art were sufficient to negate patentability, very few patents would ever issue. Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention." *In re Rouffett*, 149 F.3d 1350, 1357 (Fed. Cir. 1998).

Even if Wilson (or other art) were to show a post mount, there is no suggestion in Wilson to add additional mounts. In fact, Wilson only uses one (1) mount that can be rewired to be used on the top or the bottom of the lighting fixture. There is no motivation in Goralnik to add replaceable wiring. There is not motivation in Wilson to include a post mount or chain mount.

"The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." *In re Fritch*, 972 F.2d 1260, 1266 (Fed. Cir. 1992); 1992 U.S. App. Lexis 18470; 23 U.S.P.Q. 2D (BNA) 1780 (emphasis added).

Additionally, Wilson's rewiring feature and light cluster assembly do not appear to be likely to be successful with a chain mount. Even if it were successful, there is no disclosure or suggestion as to how to incorporate the features with Goralnik's mount or other types of mounts.

Enclosed is an example of a convertible light fixture with all the different mounts. It requires tools to have use of all the mounts. Even if it were proper to combine Goralnik with Wilson, there is not a reasonable expectation that a convertible light fixture could be assembled without tools. Applicant became aware of the enclosed publication in the summer of 2004 after Applicant's filing date. Applicant, at this time, has no reason to believe that the publication is prior art. However, Applicant does not know the date of the publication.

Claim 3 is not obvious over Wilson in view of Goralnik.

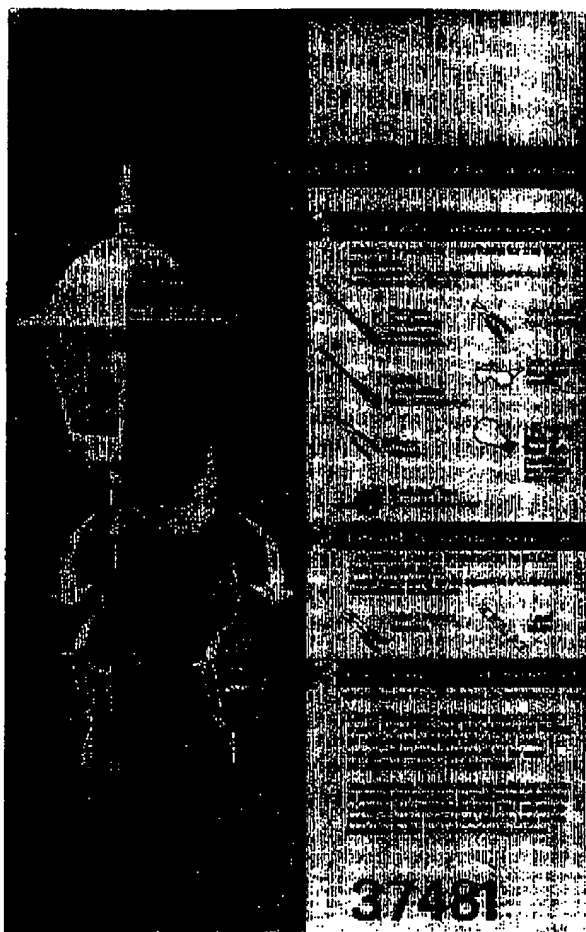
**B. CONCLUSION**

In view of the above, it is submitted that the claims now presented in the application are in condition for allowance. Accordingly, reconsideration and allowance of the claims are requested.

Respectfully submitted,

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